



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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August 16, 1994

Mr. Lon Thomas
American Stone, Incorporated
4040 South 300 West
Salt Lake City, Utah 84107

Re: Notice of Intention to Commence Small Mining Operations, Cotton Thomas Project,
S/003/024, Box Elder County, Utah

Dear Mr. Thomas:

Thank you for your Notice of Intention to Commence Small Mining Operations, received by the Division on July 27, 1994, and the supplemental variance information submitted August 3, 1994. The application for the existing Cotton Thomas Project, located in the NW/4 NE/4 and the NE/4 NE/4 of Section 28, T14N, R17W, SLBM, Box Elder County, Utah is now complete. No additional information is required at this time to complete the application.

However, the Division will need to conduct a joint site inspection with you to resolve a highwall variance concern. By statute and rule, highwalls must be reduced to a minimum 45 degree angle upon final reclamation, *unless* a variance is requested and justified by the operator, then approved in writing by the Division. Your latest response suggests that a highwall variance is not necessary because there are natural cliffs of similar appearance to the quarry highwall faces, in the surrounding area. This observation will require further investigation and discussion during our joint onsite inspection.

It is our understanding that a topsoil variance is not be requested because you plan on using a borrow area to bring in topsoil upon final reclamation. The proposed location for the topsoil borrow area will also need to be investigated/evaluated during our inspection.

For your reference, I have enclosed copies of our summarized rules regarding "Operation and Reclamation Practices", and the statutory penalty for failure to reclaim a minesite (SMO-1). Please give special consideration to item #10 of the "Operation and Reclamation Practices". Stockpiling topsoil material prior to beginning your mining operation will help ensure successful revegetation efforts upon final reclamation of the minesite. If the area being mined is a solid rock outcrop, or if the land surface is very rocky, then soil stockpiling is probably not possible. However, even the first few inches of undeveloped material is worth saving to aid in later revegetation efforts, and future regulatory release from reclamation requirements.

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Should you wish to expand your operation beyond the five (5) acre limitation, please notify this office as soon as possible to discuss the necessary permitting requirements.

A Memorandum of Understanding (MOU) between this Division and the State Department of Environmental Quality (DEQ) requires us to notify them upon receipt of a mining application. If you haven't already done so, you are advised to contact their office prior to starting your small mining operation to determine whether additional permits and/or approvals are required. We will forward a copy of this letter and your notice to the DEQ for their review. Their address and phone number is: Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah, 84116, (801) 538-6146.

Approval of mineral exploration or mining operations by the Division of Oil, Gas and Mining does not constitute approval to commence operations upon lands under state mineral leases administered by the School and Institutional Trust Lands Administration/school sections. Before conducting mining operations on state leased lands, the operator must provide formal written notification, meet bonding requirements, and obtain written approval from the School and Institutional Trust Lands Administration (SITLA). Please contact them for their requirements. Their address is: School and Institutional Trust Lands Administration, 355 West North Temple, Suite 400, Salt Lake City, Utah 84180-1204; phone number (801) 538-5508.

Thank you for your cooperation in completing this permitting action. We would propose meeting with you onsite to discuss these variance concerns on September 21, 1994. Please contact me at your earliest convenience to confirm or adjust the proposed inspection schedule.

Sincerely,



Lynn Kunzler
Reclamation Specialist

jb
Enclosure
cc: Kiran Bhayani, DWQ w/NOI
Roger L. Bon, UGS
Minerals File
S003024.lmk